

## United States District Court, Northern District of Illinois

Name of Assigned Judge or Magistrate Judge	Amy J. St. Eve	Sitting Judge if Other than Assigned Judge	
<b>CASE NUMBER</b>	10 C 2278	<b>DATE</b>	8/11/2010
<b>CASE TITLE</b>	In Re: AT&T Mobility Wireless Data Services Tax Litigation		

**DOCKET ENTRY TEXT**

The Court grants the Joint Motion for class certification, preliminary approval of class settlement, approval of notice, and appointment of notice administrator [49]. The class notices must be sent by 10/29/10, the publication notice must be published twice in the *USA Today* by 10/29/10, and Defendant shall file an affidavit or declaration that such notice has been provided by 11/19/10. Settlement Class Counsel shall file its application for class representatives' fees, attorneys' fees, costs, and expenses by 12/10/10, and potential class members must have their opt-out requests postmarked by 12/17/10. Objections and notices of appearance must be filed by 12/17/10. All papers in support of final approval shall be filed by 1/6/11. The Court will hold a fairness hearing on 2/10/11 at 9:00 am.

■ [ For further details see text below.]

Notices mailed by Judicial staff.

**STATEMENT**

The Court grants the Joint Motion for class certification, preliminary approval of class settlement, approval of notice, and appointment of notice administrator.

The Court certifies a settlement class consisting of:

All persons or entities who are or were customers of AT&T Mobility and who were charged Internet Taxes on bills issued from November 1, 2005 through the final date on which AT&T Mobility issues bills to customers prior to implementing the billing system changes pursuant to Section 8.1 of the Settlement Agreement. Excluded from the Settlement Class are: (I) AT&T Mobility, any entity in which AT&T Mobility has a controlling interest or which has a controlling interest in AT&T Mobility, and AT&T Mobility's legal representatives, predecessors, successors and assigns; (ii) governmental entities; (iii) AT&T Mobility's employees, officers, directors, agents and representatives; and (iv) the Court presiding over any motion to approve this Settlement Agreement.

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Courtroom Deputy  
Initials:

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The Court further certifies District of Columbia, Puerto Rico, and forty-five state-specific subclasses for:

All persons or entities who are or were customers of AT&T Mobility and who were charged Internet Taxes in [STATE] on bills issued from November 1, 2005 through the final date on which AT&T Mobility issues bills to customers prior to implementing the billing system changes pursuant to Section 8.1 of the Settlement Agreement. Excluded from the [State] Settlement Class are: (I) AT&T Mobility, any entity in which AT&T Mobility has a controlling interest or which has a controlling interest in AT&T Mobility, and AT&T Mobility's legal representatives, predecessors, successors and assigns; (ii) governmental entities; (iii) AT&T Mobility's employees, officers, directors, agents and representatives; and (iv) the Court presiding over any motion to approve this Settlement Agreement.

The Court further appoints as Settlement Class Representatives Plaintiffs Andy Armstrong, Ronald Bendian, Michael Bosarge, Eric Bosse, Vicki L. Campbell, Harvey Corn, Pam Corn, Matthew Cranford, Steven A. DeVore, Jane F. Edmonds, Heather Feenstra-Kretschmar, Adrienne M. Fox, Richard Garner, Stephen S. Girard, David Guerrero, Christopher R. Havron, Christopher Hendrix, Martin Hoke, Meri Iannetti, Christopher Jacobs, Kathy J. Johnson, Jamie Kilbreth, Bert Kimble, Vickie C. Leyja, Jonathan Macy, Rick Manrique, Heather Mazeitis, Bonnae Meshulam, Miracles Meyer, Audrey J. Mitchell, Adrienne D. Munson, Jill Murphy, Gira L. Osorio, Sara Parker Pauley, Joseph Phillips, Heather Rahn, David Rock, Lesley Rock, William J. Rogers, James Marc Ruggerio, Ann Marie Ruggerio, James Shirley, Randall Shuptrine, John W. Simon, Karl Simonsen, Donald Sipple, James K.S. Stewart, Dorothy Taylor, Kirk Tushaus, Matthew Vickery, John W. Wallace, Eleanor T. Wallace, Craig Wellhouser, Aaron White, William A. Wieland, Robert Wilhite, and Penny Annette Wood. The Court also appoints Bartimus Frickleton Roberson & Gorny, P.C. and The Huge Law Firm PLLC as Settlement Class Counsel. Further, the Court preliminarily approves the Proposed Settlement Agreement, approves the notice plan, and appoints Analysis Research Planning Corporation as notice administrator. Settlement Class Counsel are directed to provide copies of this ruling and all future court rulings to attorneys on the service list who are not set up to receive electronic notice.

The class notices must be sent by October 29, 2010, the publication notice must be published twice in the *USA Today* by October 29, 2010, and Defendant shall file an affidavit or declaration that such notice has been provided by November 19, 2010. Settlement Class Counsel shall file its application for class representatives' fees, attorneys' fees, costs, and expenses by December 10, 2010, and potential class members must have their opt-out requests postmarked by December 17, 2010. Objections and notices of appearance must be filed by December 17, 2010. All papers in support of final approval shall be filed by January 6, 2011. The Court will hold a fairness hearing on February 10, 2011 at 9:00 am.